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May 1, 2019

VIA ECF

Honorable Deborah A. Batts
U.S. District Judge
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Simon J. Burchett Photography, Inc. v. A.P. Moller-Maersk A/S*,
Case No. 1:19-cv-01576-DAB (previously Case No. 1:18-cv-12134-JSR)

Dear Judge Batts:

We represent Defendant A.P. Moller-Maersk A/S ("APMM") and write to respond to the April 30, 2019 letter from Plaintiff's counsel. ECF No. 18.

APMM filed its Motion to Dismiss on March 15, 2019. ECF Nos. 10-12. Pursuant to Local Civil Rule 6.1(b), Plaintiff's response to the motion was due March 29, 2019. Plaintiff did not file a response. Instead, Plaintiff's counsel sent the Court three letters requesting "permission to file a motion to voluntarily withdraw this matter." ECF Nos. 13, 14 & 17. Under the Federal Rules of Civil Procedure, however, Plaintiff did not need the Court's permission, or APMM's consent, to withdraw this matter. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).

Based on counsel's latest letter, it appears that Plaintiff has decided not to withdraw this case and now seeks permission to file a response to the motion to dismiss more than six weeks after it was due. APMM opposes this request. The Court's Individual Practices expressly state: **"Parties cannot get extensions of time without prior Court permission sought in writing at least one week before the expiration of the current deadline."** Individual Practices of Judge Deborah A. Batts, § I(E) (emphasis in original). APMM renews its request that the Court dismiss this case with prejudice for the reasons set forth in the Motion to Dismiss and our letter of April 23, 2019 (ECF No. 16).

Respectfully,

/s/ Zoe Phillips

Zoe Phillips

cc: Counsel of record (via ECF)

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